



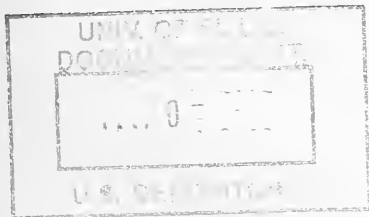
NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO
CODE OF FAIR COMPETITION

FOR THE

BITUMINOUS ROAD MATERIAL
DISTRIBUTING INDUSTRY

AS APPROVED ON APRIL 27, 1935

UNITED STATES
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AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

**BITUMINOUS ROAD MATERIAL DISTRIBUTING
INDUSTRY**

As Approved on April 27, 1935

ORDER

**APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE
BITUMINOUS ROAD MATERIAL DISTRIBUTING INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Bituminous Road Material Distributing Industry, and hearings having been duly held thereon and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive orders of the President, including Executive Order No. 6859, and otherwise; does hereby incorporate, by reference, said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said title of said act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

W. P. ELLIS,
Division Administrator.

WASHINGTON, D. C.,
April 27, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,

The White House.

SIR: An application has been duly made pursuant to and in full compliance with the provisions of the National Industrial Recovery Act for an amendment to the Code of Fair Competition for the Bituminous Road Material Distributing Industry, submitted by the Code Authority for the Bituminous Road Material Distributing Industry.

The purpose and effect of the amendment is to provide more specifically for registration of members of the Industry, and also for a registration insignia to be used by such members.

The Deputy Administrator in his final report to us on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

We find that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provision of said title of said act, including without limitation subsection (a) of section 3, subsection (a) of section 7 and subsection (b) of section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the Industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, therefore, we have approved this amendment.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

APRIL 27, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE BITUMINOUS ROAD MATERIAL DISTRIBUTING INDUSTRY

Amend Article VIII by striking out the last two sentences and inserting in lieu thereof the following:

"Registration of a member of the Industry shall include the full name and mailing address of the member, the number and type of bituminous distributors operated or owned, and such other information as may be prescribed by the Code Authority, subject to the approval of the National Industrial Recovery Board.

"The Code Authority shall issue to each member of the Industry a registration insignia indicating such registration. The cost of furnishing such insignia shall be paid by the member registering.

"The design of such insignia and the amount to be paid therefor shall be subject to the approval of the National Industrial Recovery Board. After sixty (60) days from the effective date of this amendment it shall be a violation of this Code for any member of the Industry to operate any bituminous distributor without such registration insignia permanently displayed at all times upon the outside of the bituminous distributor.

"An application may be made by the Code Authority to the National Industrial Recovery Board for an extension of the time limit for the registration of any member of the Industry if it appears that the time limit as provided herein might cause injustice or undue hardship to any member of the Industry."

Approved Code No. 530—Amendment No. 1.
Registry No. 1003-05.

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